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James Maxwell's
Defence

Observations by James Maxwell Melter & Refiner for the Branch Mint of the United States at New Orleans made and to be verified pursuant to the requirement of the Investigating Committee in reply to the various letters which have been submitted by the Superintendant.

The charges against me contained in those letters are so various and so intermingled with charges against others; and so many matters are mixed up therewith foreign to what I consider subject matter for the proposed investigation that I have found it extremely difficult to decide in my own mind what I am expected to notice or reply to

The object of the Honble the Secretary of the Treasury would have been better attained had distinct charges been made or articles of impeachment been formed thus furnishing something tangible to refute in place of the crude opinions of prejudiced and incompetent persons. Thus circumstanced I prefer to defer my principal notice of the subject until after the testimony has been furnished. I however understand the subjects to be enquired into are:

1st The Character of Mr Maxwell about which others not himself must speak.

2 His capacity for conducting the business which has been entrusted to him to which he replies let the tree be known by its fruit.

3 How far any blame can attach to him for the delays which have taken place in meeting public expectation in supplying them with the coin of

of the United States.

4th Whether or not he has withheld from the officers of the mint information he was bound to have given & how he has treated the persons employed therein.

5th Whether or not he has improperly conspired with the Coiner for the purpose of restraining Doctor Wm P. Hort from intermeddling with that part of the business of the Mint which did not appertain to the duties of his office or for any other purpose.

6th Into all the circumstances attendant on the deposit of bullion supposed to be 200 Mexican Dollars about the 20th April last by Damian Casas together with the manner of keeping the ac. of the Institution

7th As to the excess of bullion returned to the Treasurer by Mr Maxwell beyond that charged.

8th How far Mr Maxwell is obnoxious to the charge made by Doctor Wm P. Hort Assayer of the New Orleans Branch Mint in his letter to the Superintendent of the 13th May ~~1839~~

"The Melter & Refiner has so far forgotten himself as to state to Messrs Alexander Gordon & Placido Forstall of the firm of Lizardi that they had been wronged by errors in assaying to the amount of $150 which sum they ought to demand from the Treasurer of the Mint. I care not for any attack made upon myself by the Melter & Refiner but I regret deeply that at a period when this Branch Mint is assailed by the ~~Whig~~ Bank presses & Whig party in congress so as in the opinion of its best friends to make its situation critical & its ~~situation~~ existence precarious an officer should be found so closely allied with the opponents of the Mint & of the administration as to pursue a course the most the most imminently calculated to destroy the confidence of the public & to give a death blow to the Institution. Last July when the Melter & Refiner charged me with a loss of about 4oz of Gold there was so much prevarication, misrepresentation & evil design that in my letter to you on the subject I stated "that hereafter whenever I might be charged by the Melter & Refiner with having made false assays I should require a creditable witness to identify the Bullion."

The vituperation of Doctor Hort would not be worthy of my notice had I not been furnished with his defamatory letters by the Superintendent & had not the Superintendant transmitted a portion or all of his letters to the Director of the Mint at Phila in support of his recommendation of the removal of myself and the Coiner this letter of Doctor Hort states that as early as July last he had taken his position against me since which he appears to have been watching over me for evil as there has been little or no intercourse between us since that period and consequently but little opportunity to entrap him if I had been disposed to do so which has not been the case unless a proper zeal to detect his errors be considered in that light.

In another letter of Doctor Hort under same date say of the 13th of May 1839 to the Superintendant he remarks "There is no difficultty in accounting for the excess of which he complains & which seems to be such a heavy burthen on his Conscience"!

Now with all due deference for the Doctors wisdom I beg leave to say that I think it would have been better had he omitted his sarcastic illusion to my conscientious scruples they are matters between a Higher Power and my own bosom a Republic that I do not allow man to invade.

I do not consider Messrs Gordon, Forstall, Zacharie, or the Officers of the Exchange Bank as enemies of the Mint on the contrary among its patrons & most extensive supporters be that as it may I hope and trust that my conscientious scruples or sense of honour whichever the gentleman please, would not allow me to conceal from them a discovery of gold among their Bullion which had escaped the notice of the Assayer.

I wish Messrs Alexander Gordon & Placide Forstall of the firm of M De Lizardi & Co to be examined as to my communication with them when it will be seen whether or not I held improper conversation with them or went beyond the authority of the Superintendent in his letter in words & figures following:

United States B. Mint N. Orleans
James Maxwell Esqr June 29th 1838
Sir

I have to request that you obtain

from M De Lizardi & Co what information can be had in relation to their deposit of Bullion in this Branch Mint on the 12 April last particularly as to five pigs said to contain gold its value &c

& Oblige &c
David Bradford
Superintendent

This letter is now in my possession in readineſs to be produced when called for. The charge is false which says that *I am closely allied with the opponents of the Mint & of the Administration & aiding the Bank presses & the Whig Party in Congreſs in such a course as to make its situation critical & its existence precarious* it is equally untrue that I am in any way closely allied with these men. Let the proofs be forthcoming & let the accuser stand or fall by the truth or falsehood.

I consider my politics like my religion so long as I do not intermeddle, not open for any enquiry or to be questioned by others; yet it must not be disguised, that so far as I have any politics they are what is termed Whig. After having made this avowal it may not be amiſs for me to say that I do not trouble myself with political subjects excepting perhaps a casual remark. I have not voted either at the North or in Louisiana since I have been in the employment of the U. S. Mint. I have avoided political meetings, & attended only one - that was a Jackson meeting at Cincinnati to hear Doctor Duncan explain his views to which I was attracted more by curiosity than by any political bias.

I have not in the same length of time written or aided others in writing any political article, or articles relating to the mint or its busineſs for the preſs – I have not held any political conference or correspondence on political subjects I was employed to labour in my profession as a Melter & Refiner, to which I have given the most studious attention & my exertions have been rewarded with the most triumphant succeſs. I have a family & we are entirely dependant on the Salary awarded for my services for our support which were known to Doctor Hort. How then could he without a particle of proof for a moment believe I would so far lose sight of my own interest as to join the Bank preſs & Whig members of congreſs in a war on the New Orleans Branch Mint. if any such war exist & here I beg leave to expreſs a total disbelief in the existence of any such war except in the fruitful imagination of Doctor Hort.

Having thus demonstrated the wickedneſs and falsehood of this part of the Doctors statement I do not feel called on at this moment to notice the other numerous intimations, insinuations & allusions contained in his letter – nor would it have been worth my while to noticed the unpardonable attempt to put at hazard the very existence of the New Orleans Branch Mint by mixing its busineſs & affairs with party politics had not the Superintendant not only lent himself to such a project, but attempted to usurp & convert the influence of the collector of the Customs to the same unholy purpose by representing to that officer in effect if I rightly understand his letter that the cause of his not receiving coin agreeably to promise was a political conspiracy between Mr Tyler the coiner & myself – & thereby may have drawin~~g~~ from the Collector the nat natural expression "Then let them be dismissed" & from this authority the Superintendant proceeds to write to the Secretary of the Treasury on the 18 May 1839 that Mr Breedlove, ~~really~~ approved of all he has done [illegible] consequently concurs with him in the opinion that the Melter & Refiner ought to be removed at same time knowing that the Melter & Refiners duties were in advance of all others & fully equal to the wishes & expectations of the government & that no delay had ever taken place in the work of his department, on the contrary that he and his men had often been idle for want of Bullion to melt & when he knew that Mr Breedlove knew nothing of the merits of Mr Maxwells conduct beyond what he Mr Bradford had communicated & consequently adding his opinion did not add any testimony or information worthy of the Honorable Secretary's notice.

I was very anxious that Mr Breedlove should have been present & heard the proof which will be offered for that purpose & in conjunction with the Coiner addressed a letter to the District Attorney requesting that he might be ~~requested~~ invited to attend; confident that he had sufficient intelligence & familiarity with books & accounts to detect the imposition that had been practised, & sufficient integrity & energy of character when thus convinced, to exert his influence in the cause of Truth & Justice when it now appears was intended he should (at Washington) unknowingly exert a different influence

The Superintendant not satisfied with endorsing the calumnies of Doctor Hort writes to the ~~Director of the Mint~~ Honble Secty of the Treasy under date of May 13th 1839 "Whatever may be the motives of these officers in producing this public dissatisfaction, whether from aversion to the views of the administration of the government or otherwise their conduct is such as to be and actually is destructive of all harmony (having no hope of its being restored) between them and the other officers & fatal to the true interests of the Institution I have therefore a painful official duty to perform that of reporting to you for the decision of the President that Rufus Tyler coiner & James Maxwell Melter & Refiner in the B. Mint ought to be removed" should further details & proofs be required on this application I am prepared promptly to furnish them & on the 16th of May 39 he writes to the Director of the Mint at Philadelphia that in May 1838 the Melter & Refiner & the Coiner of this Branch Mint several times in conversation stated that they must get rid of every Southern officer Creoles and all who could speak French that their places should be supplied from Philadelphia & that then they could manage the Mint as they pleased & again on the 26th of May 1839 he writes to the "Director of the Mint "I have it from undoubted authority that upwards of 12 months ago Messrs Tyler & Maxwell matured their plans to get out of office every Southerner Creole and all who could ~~[illegible]~~ speak French & have their places supplied from Philadelphia when they said they should be able to manage the Mint as they pleased."

When the proofs come in I shall be better prepared to meet these" charges I have no recollection of ever having held any such conversation & declare the statement false in the sense in which it is put forth. & if these remarks had been made in May 1838 they have if they furnish a good cause of complaint been allowed to slumber ~~too~~ rather long & it seems rather far off to call them up at this time in an enquiry into matters of defence emanating principally from charges made by a son of the Emerald Isle in no way relating to Southerners Creoles or the French.

" I have not any prejudices against the French the Creoles or the Southerners.

His attempt to enlist the political feelings of the president of the United States & of the Honble the Secretary of the Treasury by creating an unwarrantable prejudice cannot escape their intelligent minds & the proofs of the incapacity of some of the officers & the devices resorted to to conceal such incapacity by lighting false fires will when this investigation closes be as vivid and penetrating as the rays of the meridian sun when the National Administration with their honest solicitude for the succeſs of the New Orleans Branch Mint will know where to apply the pruning knife.

If there had been any wrong in my conversation in relation to the exceſs of Bullion or otherwise let the whole blame fall upon me individually the Bank Preſs or the Whig members of Congreſs had no part therein nor had Mr Tyler the Coiner so far as he has any politics known to me they are like those of his father & family adverse to the Whig party but both of us have had such constant occupation in conducting the buſineſs of the mint in our different departments that we have had no time to talk politics & therefore I am unable to speak with certainty as to which side he belongs.

The aggregate of the gold delivered to me turned out about $550. more than it was assayed by Doctor Hart it is in the Mint & the accuracy of my account may be tested. I keep a regular memorandum book in which I record the different parcels seperated from which I think I could in most cases come to a satisfactory conclusion as to whom the excess belonged.

It was my practice when about to receive bullion from the Treasurer to copy from the weighers book the number weight & depositors name & when received by me to check it off as a merchant does the receipt of goods on his Invoice book the same being copied therein before the goods are received. This was done on the 16th April 1839 in relation to Nos. 97 & 98 each 86 oz. 50/100 they were not received which fact was made known to the Treasurer, or his clerk – on the 22nd of same month I copied from the weighers book his account of sundry other parcels embracing No. 98 & when I came to receive them, No. 98 was deficient, which led to an investigation, when I discovered that two leaves had been cut out of the book of original entry; the two leaves after much excitement & delay were produced, from which it appeared that the deposit in question of Damian Casas, had been originally entered as N 100 & that from the new leaves were excluded the deposits Nos. 97 & 98 which had not been delivered to me but had probably been put into the Treasurers vault to be held until the small deposits should reach $2,000 & thereby economise in the expense of melting; opposite No. 98 on the new leaves was inserted the deposit of Damian Casas, which had been recorded No. 100 on the purloined leaves, when received.

I became alarmed and called for an investigation which being as I supposed refused. I became excited & declared that there was fraud this I maintain, whether there was criminal turpitude ~~&~~ intended or not; it was a legal fraud thus to tamper with and despoil the record or book of original entry of a great National monied Institution be the motive what it might.

What became of this deposit of Cases originally numbered 100. and altered to 98 I know not I never saw it and certain it is that it never was received into my department and never melted. The weight put down on the weigh book by the weigher when received was 10 ounces more than the actual weight and he says that when it came back from the Melter in bars he reweighed it and recorded such weight and this record exhibits the same error of 10 ounces as the record of the original receipt a case scarcely possible to make the same error of 10 ounces in a lot of only 200 dollars at two different periods, a bungler might in both cases have made errors but I repeat that it was scarcely possible even for a bungler to have made the same error in weighing the bars when they came back from the melter as he did in weighing the coin before it was melted. Pending my enquiries Mr Demetry the weigher said that in case it could not be found he would make it up, to which I replied that is a matter of no consequence it is the principal I am contending for &c.

Supposing it might have been put into the Treasurers vault with $200 originally numbered 97 & 98 & which had been received weighed entered on the weighers book and not delivered to me together with other small parcels of similar coin which had been received and small coin given therefor, I requested to have the amount on hand which had been so received, examined; it was, and turned out to be about $1300 of which the weigher could only account for the receipt of $900. ~~[illegible]~~ About that time Mr Bradford declared himself satisfied that I had not the bullion & offered me a letter of exoneration.

I think an examination of the weigher and Treasurers books will falsify the statement of the Superintendant on this subject

Afterwards Doctor Hort declared that he was satisfied it had not been assayed and subsequently when the Treasurer delivered me an account current this item in the aggregate was charged, on representing to Mr Bradford that there was an error he informed that Casas deposit had been included ~~that~~ of which he had directed the Clerk to make a note on the a/c that he was surprized to perceive that the clerk had omitted to make this note which I understood him to mean was to have exonerated me from liability for that item.

Lately new positions have been assumed and new devices resorted to to make it appear that I had received this Casas deposit all shall be noticed as soon as the testimony shall be adduced as also the confusion of the numbers with which I had no part nor lot further than that in reference to No 99 two parcels Nos 1 & 2 I advised that their practice be discontinued in such cases, and the numbers be continued in regular succession, a number for each parcel in place of a number for each deposit omitting the additional numbers 7 1 & 2 which I believed to be the practice at the Philadelphia mint in similar cases.

The charge is false so far as I am concerned made by Mr Bradford in his letter of 26th May 1839 to the director of the mint, viz: It was concerted by Messrs Tyler & Maxwell that Mr Tyler should give the assayer sufficient employment in assaying Planchettes and pieces of silver to keep him out of the Treasurers office, this plan was steadily followed up.

As to the charge of withholding information I am not aware of having witheld any I was bound to give on the contrary I have taken great pains to enlighten persons connected with the Mint as to the proper manner of conducting its business and especially in keeping its accounts which from the circumstance of having been in the employ of the Mint at Philadelphia I was requested to do by the Director.

On one occasion I referred to my memorandum book in a conversation with the Superintendant he replied in substance that my books were of no avail & not known or recognised by law; & unnecessary & that he should not regard them.

Subsequently on the 8th May 1839 he called for a report which could only be made from my books on which ~~one~~ occasion I notified him of that fact & demurred on account of his want of respect for my books when on the 11th of said month he repeated his application for my report in words & figures following

U. S. Branch Mint New Orleans
May 11th 1839

Sir

On the 8th Inst I wrote to you to report to me in writing "such specifications and details as you have verbally intimated to me in relation to an excess of gold of 28.059 oz as stated in the account you handed me on the 6 inst and" any further information on the matter you may have to communicate.

On this day you write me that "as the details I would have to make in reference to this matter would be gathered from my account books and as you said in an interview with me that they were of no account not being recognized in law it would appear to me improper to say more than what I have verbally reported to you. However if ~~thou~~ you should change your views in relation to the utility of my books I shall be happy in giving you such information as I possess to assist you in apportioning the excess of gold to the proper depositors" I have directed that specifications & details "communicated to me verbally be reported in writing and any further information on the matter you may have to communicate & as I do not consider your letter of this date a compliance therewith, I have to again direct that you report to me in writing the specifications details & information above mentioned.

To

James Maxwell Esqr
Melter & Refiner
B. Mint. N.O.

Yr Humᵉ Servt
David Bradford
Supt

The information was promptly given on receiving the aforesaid letter & I am not aware of any other occurrence at which exception had been taken.

It is true that public expectation in receiving coin from the New Orleans Branch Mint has not been realized to the fullest extent the fault has not been in the Melter & Refiners department the Coiner having at all times been furnished with more than he could coin and until I heard read the representations of the Superintendant I was ignorant that any part of the delay had been ascribed to me or my department. ~~[illegible]~~ and the ~~[illegible]~~ men employed therein have lost much time for want of bullion & I have frequently pressed the Superintendant to exert himself to get more.

I believe the principal delay has been in the Coiners department arising in the main from the difficulties incident to putting into successful operation all new Institutions with complicated machinery which requires to be adjusted and regulated to perform with the greatest exactness and although this has taken much time as far as my knowledge extends the principal difficulties have been overcome.

It was late before the gold dies were received about the time of their being received the coining of small silver change was going on, the public was so much in want of this for circulation in consequence of the return to the use of silver in place of the small bills which had inundated the country that it has been impossible to supply a sufficient quantity to satisfy them this however I think will soon be done if the Coiner be permitted to go on with his work without improper interruption.

In relation to my accounts the cause of my dissatisfaction will be better understood when the books and vouchers are produced than from anything I can here state I did not mean to be understood as dissatisfied with the result of the settlements but with the insecure manner in which the accounts were made up.

I think that due regard has not been paid to the 20th Section of the law supplementary to the act entitled "An act establishing a Mint & regulating the Coins of the United States" and I feel that my own security as well as that of the United States requires that all the checks & guards provided by law and imposed by the Direction of the Mint should be studiously adhered to & at the proper time how far this has been done will probably appear in the course of this investigation.

I believe the instructions from the Director are that the Treasurer shall furnish the Melter & Refiner monthly with a warrant of bullion delivered the previous month, & that the Melter & Refiner receipt and return it to the Treasurer, in place of which according to the best of my recollection only one warrant for gold and one for silver has been given since the commencement of the operations of the Branch Mint at New Orleans and that no warrants or receipts have been furnished for the ingots delivered by the Melter & Refiner since August last and that those then furnished were deemed to be informal & returned on a promise that new formal ones should be ~~returned~~ furnished which promise has not yet been complied with.

As to my treatment of the persons employed in the N. O Branch Mint. & particularly the men employed in my department I wish them examined when I presume that it will be found that their testimony will not sustain the representations of the Supe intendant.

As to my character & capacity I leave others to establish all that may be necessary in relation thereto

James Maxwell

James Maxwell being duly sworn says the facts set forth in the proceeding papers so far as known to himself are true & that what he has stated from the information of others he believes to be true

James Maxwell